

Philosophical Digression in *Pro Sestio*, *Pro Balbo*, and *de Haruspicum Responsis*

Though he wrote his first dialogue sometime in 56 or 55 B.C., this paper will consider how Cicero used the discourse of political philosophy in three speeches in the year leading up to the publication of *de Oratore*. In addition to considering a portion of the well-known digression on *optimates* and *populares* in the *pro Sestio* (Kaster 2006, 31n. 70 for bibliography), an examination of passages in the *pro Balbo* and *de Haruspicum Responsis* will reveal how Cicero engages in brief philosophical digressions in order to advance qualitative arguments. In each case, the orator's comments reflect the primary issues and methods of ancient political thought: through the historical and comparative study of political values and institutions, philosophers sought to determine the necessary virtues for a political order and its citizenry to possess.

In the *pro Sestio*, Cicero does not deny that the defendant deployed a gang and engaged in violence as tribune the previous year. In accordance with the precepts of *stasis* theory, he resorts to a qualitative argument (*status qualitatis, constitutio generalis*), rejecting the notion that the defendant acted "against the public interest" (*contra rem publicam*). Cicero spends a great deal of the speech defining the "public interest." As a way to set himself and the actions of his client in the most favorable light, the orator reviews the structure of the Republic (137), the virtues of the *optimates* and their obligation to defend the Republic against those who threaten domestic concord (138-139), and concludes with a series of Greek, Carthaginian, and Roman *exempla* (140-143).

Sometime after the conference at Luca, Cicero had to defend his house against a renewed attack by Clodius. The *haruspices* attributed a certain subterranean rumbling recently heard in Latium to the profanation of sacred sites; the former tribune, now an aedile, pointed to the reoccupation of Cicero's house as the reason. Like the *pro Sestio*, Cicero could not deny the fact

of the portent, but he contests its significance. Before offering his own interpretation *de Haruspicum Responsis*, the orator engages in a short digression to bolster his *ethos*: he traces the origins of those public institutions involved in the interpretation of prodigies (18), contends that (Greek) philosophy confirms the propriety of traditional Roman practice, and concludes that Romans surpass all peoples with respect to the virtues of *pietas*, *religio*, and *sapientia* related to the interpretation of the divine will (*quod deorum numine omnia regi gubernarique perspeximus*, 19).

In autumn of the same year, Cicero defended L. Cornelius Balbus against a charge of having obtained Roman citizenship illegally. Among the three main charges, the prosecution seems to have alleged that Pompey's grant of citizenship to Balbus ignored the right of his native Gades to approve or reject the transfer. Cicero does not in fact contest the charge, but makes use of a qualitative argument in which appeals to the *ius gentium*. Having observed that, unlike Romans, the citizens of Greek states can hold citizenship in more than one polity, he affirms that the rights to retain or renounce one's citizenship are "the firmest foundations of our freedom" (*fundamenta firmissima nostrae libertatis*) and that, like other states, Rome enjoys an unfettered right to bestow citizenship on whomever it chooses. Moreover, he points to the fact that, since the time of Romulus and the Sabines, Rome has repeatedly bestowed citizenship on foreigners and, as a result, grown to be a great empire (30-31; cf. Barber 1997: 100-104).

Cicero's use of a combination of history and theory anticipates the rhetorical strategies he would use just a few years later in *de Republica* and *de Legibus*, dialogues in which he argues for the superiority of the traditional Republic in relation to Greek political theory and practice (Zetzel 1995, 13-29; cf. Atkins 2013, 5-9). His arguments bear out a comment made in a letter to Cato at the end of the decade: "We stand practically alone in having introduced that true and

ancient philosophy (*philosophiam illam veram et antiquam*)... into the Forum, and into the Republic, and nearly into battle-line itself' (*in forum atque in rem publicam atque in ipsam aciem paene deduximus*; *Fam.* 15.4.16).

Bibliography

Atkins, J. W., 2013. *Cicero on Politics and the Limits of Reason*. Cambridge.

Barber, K. A., 1997. *Rhetoric in Cicero's Pro Balbo*. Austin.

Kaster, R. A., 2006. *Cicero: Speech on Behalf of Publius Sestius*. Clarendon Ancient History Series. Oxford.

Zetzel, J. E. G., 1995. *De Republica: Selections*. Cambridge.